SB Civil Writ Petition No.7103/2005

Manager, M/s Selection Synthetics Ltd.
v.
Labour Court, Bhilwara & Ors.

Date of Order :: 15th December, 2005

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Ajay Vyas]
Mr. Bheemkant Vyas] for the petitioner.

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This writ petition is directed against the award dated 22.1.2005 passed by learned Labour Court, Bhilwara in Industrial Disputes Case No.52/01.

The appropriate Government by its notification dated 27.12.2000 referred an industrial dispute to Labour Court, Bhilwara for its adjudication in following terms:-

> "क्या श्रमिक रामेश्वर लाल (जिसका कि प्रतिनिधित्व संगठन सचिव, भारतीय लघु उद्योग मजदूर संघ, भीलवाडा द्वारा किया गया है) को प्रबंधक, मै० सलेक्शन सिन्थेटिक्स प्रा० लि० रिको एरिया, भीलवाडा द्वारा दिनांक 14.9.99 से सेवा से पृथक किया जाना उचित एवं वैध है ? यदि नहीं, तो श्रमिक किस राहत एवं अनुतोष प्राप्त करने का अधिकारी है ?"

The Labour Court while answering the reference held that termination of workman Shri Rameshwarlal amounts retrenchment as defined under Section 2(oo) of the Industrial Disputes Act, 1947 and the same was effected without adhering the provisions

of Section 25-F of the said Act, as such the same is void. The Labour Court declared the petitioner entitled for reinstatement in service with continuity in services.

Challenge is given to the award aforesaid on the count that the respondent workman by communication dated 14.9.1999 voluntarily tendered resignation from services and as such he was never terminated or retrenched from service. The aforesaid contention of the petitioner has been dealt with by the learned Labour Court in para 10 of the award impugned. Learned Labour Court after considering the entire evidence available on record gave a specific finding of fact that the workman never tendered resignation voluntarily by communication dated 14.9.1999. Such finding of fact does not require any interference by this Court under Articles 226 and 227 of the Constitution of India. The order impugned does not suffer from any error apparent on face of record or from any material illegality warranting interference of this Court in its extra ordinary as well as in supervisory jurisdiction.

The writ petition, therefore, is dismissed.

(GOVIND MATHUR),J.

kkm/ps.